

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN KARNOSKI, *et al.*,
Plaintiffs,
v.
DONALD J. TRUMP, *et al.*
Defendants.

Case No. C17-01297MJP

ORDER DENYING DEFENDANTS' REQUEST FOR STAY OF PROCEEDINGS

This matter is before the Court on Defendants' motion to stay proceedings. Dkt. #89. Plaintiffs oppose Defendants' Motion. Dkts. #91 and #93. For the reasons discussed herein, Defendants' motion is DENIED.

District Courts have discretionary power to stay proceedings in their own court. *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (citing *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936)). When a stay is proposed, district courts must weigh the competing interests affected by the grant or refusal of a stay. *Id.* at 1110 (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)). The competing interests considered in this analysis include: (1) “the possible damage which may result from the granting of a stay”; (2) “the hardship or inequity which a party may suffer in being required to go forward”; and (3) “the orderly course of justice

1 measured in terms of the simplifying or complicating of issues, proof, and questions of law which
2 could be expected to result from a stay.” *Id.* Additionally, if there is “even a fair possibility”
3 that a stay will “work damage to someone else,” the party seeking the stay “must make out a
4 clear case of hardship or inequity in being required to go forward.” *Landis*, 299 U.S. at 255.
5 “Only in rare circumstances will a litigant in one cause be compelled to stand aside while a
6 litigant in another settles the rule of law that will define the rights of both.” *Id.*
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8 Defendants fail to demonstrate a stay is warranted. Defendants contend that because the
9 Memorandum Opinion and Order issued in *Doe 1, et al. v. Trump, et al.*, Case No. 17-1597
10 (CKK), 2017 WL 4873042 (D.D.C. Oct. 30, 2017), preliminarily enjoins the government from
11 enforcing two sections of the Presidential memorandum at issue here, *see* 82 FR 41319, (the
12 “Presidential Memorandum”), the Court should stay the proceedings. Dkt. #89 at 2. Defendants
13 reason that while they disagree with the *Doe 1* court’s preliminary injunction, and while they are
14 considering whether to appeal that court’s Order, they are nonetheless complying with the Order
15 and a stay is warranted. *Id.* The Court is not convinced.
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17 Here, there is a fair possibility that granting Defendants’ stay will harm Plaintiffs. The
18 Order in *Doe 1* did not enjoin Section 2(b) of the Presidential Memorandum; Section 2(b) directs
19 the Secretaries of Defense and Homeland Security to “halt” all use of their respective
20 departments’ resources to fund sex-reassignment surgical procedures, “except to the extent
21 necessary to protect the health of an individual who has already begun a course of treatment to
22 reassign his or her sex.” *See* 2017 WL 4873042, at *2. Because this directive has not been
23 enjoined, there is a fair possibility that at least some of the named Plaintiffs (including Plaintiff
24 Jane Doe) will be harmed if that directive goes into effect. Additionally, granting Defendants’
25 requested stay “deprive[s] Plaintiffs of an injunction supported by interests not present in *Doe*
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1 [II].” Dkt. #91 at 5. This is especially true where the State of Washington asserts interests
2 different from private plaintiffs, and where Plaintiffs raise claims not considered by the District
3 Court for the District of Columbia. *See id.*

4 Because there is a fair possibility of harm to Plaintiffs, Defendants “must make out a clear
5 case of hardship or inequity in being required to go forward.” *Landis*, 299 U.S. at 255.
6 Defendants do not identify a single hardship or inequity they will face if litigation proceeds, *see*
7 Dkt. #89 at 2–5. Instead, Defendants merely contend the “orderly administration of justice will
8 be furthered,” if the Court grants its stay. Appeals to the orderly administration of justice, without
9 showing any hardship or inequity Defendants will face, fail to persuade the Court that a stay is
10 warranted. This is especially true where contested issues implicate the public interest; in these
11 circumstances, it is important for trial judges to develop the full record for review. Consequently,
12 Defendant’s request for a stay of proceedings (Dkt. #89) is DENIED.
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16 DATED this 20th day of November, 2017.
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Marsha J. Pechman
United States District Judge